

**BEST AVAILABLE COPY****PIPER RUDNICK  
GRAYCARY****RECEIVED  
CENTRAL FAX CENTER  
JAN 27 2005**

DLA Piper Rudnick Gray Cary US LLP  
153 Townsend Street, Suite 800  
San Francisco, California 94107-1907  
O 415.836.2522  
F 415.836.2501  
W www.dlapiper.com

**FAX TRANSMISSION COVER SHEET**

January 27, 2005

To:

Examiner Javier G. Blanco  
United States Patent and Trademark  
Office

Telephone:

571-272-4747

Fax Number:

703-872-9306

From: Andrew V. Smith  
415.836.2522

Client-Matter Number: 2502440-991501

Re: United States Patent Application 09/811,360  
Filed March 16, 2001  
Inventor Eugene M. Wolf

Pages: - 22 - (including this form)

Originals: will not follow

If there is a problem with this transmission, please call Gerry Ubau at 415-615-6168  
Fax Operator/Ext.

**Message:**

This is a re-submission of an Amendment under 37 CFR 1.116 filed on December 21, 2004 via  
US First Class Mail.

Attached is a copy of the postcard as filed. We have not yet received the original stamped  
postcard.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment  
of fees to Deposit Account 07-1896.

Sincerely

Andrew V. Smith, Ph.D.  
Registration No. 43,132

**CONFIDENTIALITY NOTICE**

This communication is ONLY for the person named above. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you are not the person named above, or responsible for delivering it to that person, be aware that disclosure, copying, distribution or use of this communication is strictly PROHIBITED. If you have received it in error, or are uncertain as to its proper handling, please immediately notify us by collect telephone and mail the original to us at the above address. Thank you.

(Form Rev. 8/02/04)

SP3107057.1

BEST AVAILABLE COPY



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

**BUSINESS REPLY MAIL**

FIRST-CLASS MAIL PERMIT NO. 10969 SAN DIEGO, CA

POSTAGE WILL BE PAID BY ADDRESSEE

DOCKETING DEPARTMENT  
GRAY CARY  
153 TOWNSEND ST STE 800  
SAN FRANCISCO CA 94107-9939



Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22310-1450

U.S. First Class Mail

Application Serial No : 09/811,360  
Filing Date: March 16, 2001  
Title: Facile Total Shoulder Arthroplasty Apparatus and Method  
Attorney Docket No.: 250240-991501  
Applicant(s): Eugene M. Wolf

Enclosed are:

1. Transmittal Form, PTO/SB/21, (1 page + duplicate):
2. Amendment, 18 pages

AVS/gu

12-21-04

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

21

Application Number

03/811,360

Filing Date

March 16, 2001

First Named Inventor

Eugene M. Wolf

Art Unit

3738

Examiner Name

Javier G. Blanco

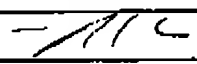
Attorney Docket Number

2302440-991501

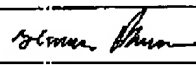
**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return-Receipt Postcard:
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<b>Remarks</b>	
	The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1189. A duplicate page is enclosed.	
	Customer No. 29565	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Gray Cary Ware & Freidenrich, LLP, 153 Townsend Street, Suite 800 San Francisco, CA 94107		
Signature			
Printed name	Andrew V. Smith, Reg. No. 43,132, Telephone: 415-836-2522 Fax: 415-836-2501		
Date	12-21-04	Reg. No.	43,132

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Gerry Ubau	Date	12-21-04

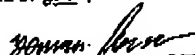
This collection of information is required by 37 CFR 1.5. The information is required to obtain or maintain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.12. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 27 2005

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 21, 2004.



Gerry Ubbau

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/811,360  
Applicant : Eugene M. Wolf  
Filed : March 16, 2001  
TC/A.U. : 3738  
Examiner : Javier G. Blanco

Confirmation No. 7725

Docket : 2502440-991501  
No.  
Customer : 29585  
No.

**BEST AVAILABLE COPY**

Title: FACILE TOTAL SHOULDER ARTHROPLASTY APPARATUS AND METHOD

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

AMENDMENT UNDER 37 CFR 1.116

Sir:

In response to a discussion with Examiner Javier Blanco and Supervisory Examiner Corrine McDermott, and in response to the Office Action mailed October 6, 2004, please amend the above-identified patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 16 of this paper.

Page 1 of 18

SF3107075.1  
2502440-991501

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☐ BLACK BORDERS

☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES

☒ FADED TEXT OR DRAWING

☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING

☐ SKEWED/SLANTED IMAGES

☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS

☐ GRAY SCALE DOCUMENTS

☐ LINES OR MARKS ON ORIGINAL DOCUMENT

☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY

☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**